

APPROVED

**BOARD OF DENTISTRY
BOARD MEETING**
Friday, June 18, 2004
Department of Health Professions
6603 West Broad Street
Richmond, Virginia 23230-1712

CALL TO ORDER:	A meeting of the Virginia Board of Dentistry was called to order at 9:19 a.m.
PRESIDING:	Trudy Levitin , R.D.H.
MEMBERS PRESENT:	Meera Gokli, D.D.S. Darryl Lefcoe, D.D.S. Michael Link, D.D.S. Harold Seigel, D.D.S. Deborah Southall, R.D.H. M.D. Stith, Jr. James Watkins, D.D.S. Paul Zimmet, D.D.S.
BOARD MEMBERS ABSENT:	Gary Taylor, D.D.S.
STAFF PRESENT:	Robert Nebiker, Agency Director Elaine Yeatts, Senior Policy Analyst Sandra K. Reen, Executive Director Carmen M. Quiñones, Administrative Assistant
COUNSEL PRESENT:	Howard Casway, Senior Assistant Attorney General
QUORUM:	With 9 members present, a quorum was established.
PUBLIC COMMENT:	Dr. Robert Strauss – Representing the Virginia Society of Oral Maxillofacial Surgeons. He expressed appreciation for the work done by the Committee on the anesthesia regulations. He then explained five continuing concerns: 1. VSOMS feels that it is potentially dangerous to have someone not trained in anesthesia monitoring a patient and recommends that 18 VAC 60-20-120.F.1.b be stricken from the language. 2. VSOMS recommends that 18 VAC 60-20-106.B.3 be changed to patients in Class III and Class IV. 3. 18 VAC 60-20-106.B.3.b VSOMS feels that documenting the ASA category will cover the measurement of the potential risk to the patient without having to be overly specific to every possible potential risk. 4. VSOMS recommends that

language be added to 18 VAC 60-20-110.A.2 to require at least 33% of the one calendar year of full-time training be in anesthesia. **5.** VSOMS is also concerned that there is no time limit as to how long ago anesthesia training must have taken place.

Dr. Jay Smith – Dr. Smith voiced his support for Licensure by Credentials indicating that this would allow dentists in the military to enter private practice in Virginia.

Dr. Ed Griggs – Dr. Griggs opposed striking 18 VAC 60-20-120.F.1.b from the Regulations. He feels that the language was to provide for a safe environment for the treatment of the patient without restricting the treatment options.

APPROVAL OF MINUTES: On a properly seconded motion by Dr. Link, the Board approved the Minutes of the Board Meeting of April 9, 2004, the Board Meeting of May 7, 2004, and the two Formal Hearings of May 7, 2004.

EXAMINATION SERVICES: RFP for Examination Services – Dr. Watkins reported that the Exam Committee met June 18, 2004. He advised that Ms. Shropshire was asked to negotiate the points identified on the proposal and report back to the Committee.

**LEGISLATIVE
REGULATION:**

Final Proposed Regulations – Dr. Link presented the draft approved by Regulatory Legislative Committee. Ms. Yeatts reviewed all the changes with the Board. On a properly seconded motion by Dr. Link the Board voted 5-3, with one abstention, to delete 18 VAC 60-20-120.F.1.b from the Draft Regulations. Ms. Yeatts will prepare a final draft of the proposed regulations. On a properly seconded motion by Dr. Link the Board unanimously voted to adopt the Regulatory package as amended and to circulate it for public comment.

Dr. Burns Letter – Ms. Yeatts reviewed Dr. Burns letter and no action was taken by the Board.

2005 Legislative Proposal – Ms. Yeatts reviewed the Draft Proposed Legislation approved by the Regulatory Legislative Committee. On a properly seconded motion by Dr. Seigel the Board voted unanimously to adopt the draft as amended.

Emergency Regulations for Temporary Resident License

– Ms. Yeatts went over the Emergency Regulations on Temporary Resident License. On a properly seconded motion by Dr. Link the Board unanimously voted to adopt the Emergency Regulation and issue the Notice of Intent to replace the Emergency Regulations.

Emergency Regulations for Delegation of Informal Fact Finding – Ms Yeatts went over the criteria for delegation of informal fact-finding proceedings to an agency subordinate. On a properly seconded motion by Dr. Link the Board voted to adopt the Emergency Regulation and issue the Notice of Intent to replace the Emergency Regulations.

VDA Legislation for Licensure by Credentials: Ms. Yeatts reviewed the VDA draft legislation for Licensure by Credentials. On a properly seconded motion by Dr. Link the Board referred this to the Regulatory Legislative Committee to have a working session with representatives of the VDA to address the differences between the Board's and the VDA's proposals.

VDA Legislation for Retired Dentist or Hygienist License: Ms. Yeatts reviewed the VDA draft legislation. The Board requested that this proposal also be addressed in the working session with representatives of the VDA.

BOARD DISCUSSION:

ADA Letter Call for Comments "Resolution 90" – The Board reviewed the ADA letter, no action was taken.

Lisa Specter Letter Supporting Licensure by Endorsement – The Board reviewed the letter from Ms. Specter, no action was taken.

AADE Letter Call for Comments "Role of Regulatory Boards in Improving Consumer Access to Dental Service" – The Board reviewed the Call for Comments, no action was taken.

AADE Annual Meeting – On a properly seconded motion by Dr. Link the Board voted to send all AADE members to the upcoming AADE Annual Meeting.

ADA Resolution 28 H 2003 – The Board reviewed the ADA Resolution 28 H 2003, no action was taken.

Dr. Edwin J. Zinman Letter “Sterile Water Requirements”

– The Board reviewed the letter from Dr. Zinman, no action was taken.

EXECUTIVE REPORT:

Policy on Approving Continuing Dental Education Programs – Ms. Reen presented the policies and procedures for Approving Continuing Dental Education Programs which had been adopted in concept at the last meeting.

American Association of Orthodontists Letter: Ms. Reen reviewed with the Board the letter submitted by the American Association of Orthodontist in reference to it's recent complaint filed in US District Court in Missouri against Yellow Book USA.

LITIGATION:

Mr. Casway updated the Board on the following matters: Dr. Patch's case is pending in Prince William Circuit Court. A hearing date and a briefing schedule has not been set as of yet but it is expected to take place in September/October. The Columbia Dentiform law suit against SRTA was considered in a preliminary hearing in which the injunction against SRTA and the Board was voided. Dr. Turner's challenge of the late fee is still pending.

ADJOURNMENT:

With all business concluded, the Board adjourned at 2:15 p.m.

Trudy Levitin, R.D.H., President

Date

Sandra K. Reen, Executive Director

Date